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DOCUMENTS ON .THIS SUBJECT ARE REVOKED. EMPLOYMENT WITH
THE CITY OF GREENVILLE IS AT-WILL.**

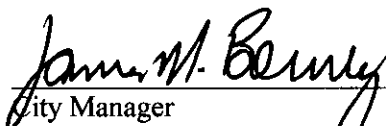
POLICY NO.: HR-36

DATE: 12/29/2008

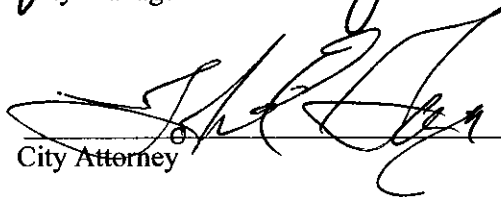
SUBJECT: Salary Basis and Safe Harbor Provisions Policy

- I. Purpose
- II. Applicability
- III. Definitions
- IV. Policy

Approvals:



City Manager



City Attorney



Human Resources Director

I. Purpose

It is the City of Greenville's policy to comply with applicable wage and hour laws and regulations. Accordingly, the City of Greenville intends that deductions be made from your pay only in circumstances permitted by the Fair Labor Standards Act and the U.S. Department of Labor's rules governing the salary basis of pay for exempt employees. These regulations, including those specific to the public sector, can be found in Title 29 of the Code of Federal Regulations (29 C.F.R. 541.602; 29 C.F.R. 541.603; 29 C.F.R. 541.710).

II. Applicability

This policy applies to all employees of the City of Greenville.

III. Definitions

- **Exempt employee:** An exempt employee is not owed overtime payment or compensatory payment for those hours worked over 40 in a workweek.

To be exempt from overtime, an employee must meet the criteria of either the "standard test" (29 C.F.R. § 541.231) for one of the following exemptions or the "highly compensated employee test" (29 C.F.R. § 541.232) for the executive exemption. The standard exemption must be used if the employee receives a total annual compensation of less than \$100,000. The allowable exemptions are:

- Executive Exemption,
 - Administrative Exemption,
 - Professional Exemption (Learned or Creative),
 - Computer Employee Exemption,
 - Outside Sales Employees Exemption, or
 - "White Collar" Exemption of certain Police and Firefighting employees.
- **Nonexempt employee:** An employee that does not meet any of the exemptions listed above. Employees classified as nonexempt must be compensated either overtime or compensatory time for all hours worked over 40 in a workweek.
 - **Non-covered employees:** Non-covered employees are not covered by the Fair Labor Standards Act. Positions within the City of Greenville which could be classified as non-covered include: elected officials, personal staff who are under the direct supervision of an elected official AND have regular contact with this official, and City of Greenville volunteers.

IV. Policy

The City of Greenville makes every effort to ensure our employees are paid correctly. Occasionally; however, inadvertent mistakes can happen. When mistakes do happen and are called to our attention, we promptly will make any correction that is necessary. Please review your pay stub when you receive it to make sure it is correct.

If you have any questions or concerns about your salaried status or you believe that any deduction has been made from your pay that is inconsistent with your salaried status, you should immediately raise the matter with your immediate supervisor. If you have raised the matter with your supervisor and it is not resolved within ten (10) business days, or if, for any reason, you are uncomfortable discussing the matter with your supervisor, you must submit your question, concern, or complaint to the Human Resource Director.

To ensure that the City of Greenville understands your concern or complaint (hereinafter, both referred to as "complaint") and is able to conduct a proper investigation, the City of Greenville requires that any complaint that seeks the payment of money or requests a change in policy be submitted in writing. No particular form is required, but each such complaint must include the employee's name, department, job title, and a brief description of the issue. You also must identify the pay period(s) to which the complaint relates. If you are unable for any reason to submit your complaint in writing, one of the employer representatives named in the previous paragraph will take a statement from you. You will then be asked to review and sign the statement to ensure it accurately reflects your complaint.

The City of Greenville is committed to investigating and resolving all complaints as promptly, but also as accurately, as possible. Consistent with the U.S. Department of Labor's policy, any complaint will be resolved within a reasonable time given all the facts and circumstances. If an investigation reveals that you were subjected to an improper deduction from pay, you will be reimbursed and the City of Greenville will take whatever action it deems necessary to ensure compliance with the salary basis test in the future.